

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/275A

- Applicant** : Mr. CHEUNG Chun Man represented by Grandmax Surveyors Limited
- Site** : Lot 2329 RP (Part) in D.D.124, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : 1,068 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Residential (Group A) 4” (“R(A)4”)
[Restricted to a maximum plot ratio of 5 and a maximum building height of 140 mPD]
- Application** : Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (private cars) for a period of 3 years (**Plan A-1**). The Site falls within the “R(A)4” zone on the approved HSK and HT OZP No. S/HSK/2. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ within “R(A)” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently being used for the applied use without a valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is subject to 3 previous planning applications (No. A/YL-PS/279, 375 and 512). The last application No. A/YL-PS/512 for public vehicle park for private cars use was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 5.2.2016 for a period of 3 years (**Plan A-1**). All the approval conditions were complied with and the planning permission lapsed on 5.2.2019.
- 1.3 The Site is accessible from Castle Peak Road - Hung Shui Kiu via a local track to the southeast of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the temporary public vehicle park will provide 42 private car parking spaces, and the operation hours would be from 7 a.m. to 11 p.m. daily. Two temporary single-storey structures for shroff and a shed for car parking purposes with a total floor area of 206.25 m² and building height of about 2.6m to 4m are to be erected on its north and southeastern parts of the Site. The estimated

vehicular trips to/from the Site would be about 20 to 30 trips of traffic inbound and outbound daily. The proposed layout plan showing the vehicular access is shown at **Drawing A-1**.

- 1.4 The major development parameters of the proposed development in the current application and the last approved application are shown below:

Major Development Parameters	Previous Application No. A/YL-PS/512 (a)	Current Application No. A/HSK/275 (b)	Difference (b) – (a)
Site Area	About 1,114.5m ²	About 1,068m ²	- 77.5m ²
Applied Use	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years		--
Total Floor Area	About 206.25m ²		--
No. and Height of Structures	2 (1 for ancillary shroff and 1 temporary open structure for car parking use) Single-storey (2.6m to 4m)		-- -- --
No. of Parking Space	46 for private cars	42 for private cars	-4
Operation Hours	7:00 a.m. and 11:00 p.m. daily (including Sundays and public holidays)		---

- 1.5 In support of the application, the Applicant has submitted the following documents:

- (a) Application Form received on 17.11.2020 with plan **(Appendix I)**
- (b) Supplementary information (SI) received on 23.11.2020 **(Appendix Ia)** clarifying the background information
- (c) Further information (FI) received on 8.1.2021 in **(Appendix Ib)** response to Transport Department (TD)'s comments
[Exempted from publication and recounting requirements]

- 1.6 On 8.1.2021, the Committee agreed to defer making a decision on the application for 2 months, as requested by the applicant, so as to allow time for the applicant to address departmental comments on the application. Subsequently, the applicant submitted FI on 8.1.2021 **(Appendix 1b)** and the application is scheduled to be considered at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I, Ia** and **Ib**. They can be summarised as follows:

- (a) The Site is the subject of 3 previous planning applications No. A/YL-PS/279, 375 and 512 for similar temporary public vehicle park use. All of these applications were approved by the Committee.
- (b) The Site is located at the town centre of Hung Shui Kiu where local convenience stores as well as Light Rail Transit – Hung Shui Kiu Station are located. There are strong local demands for parking for private cars by ad-hoc visitors to the town centre or by the residents living in the nearby developments, including Park Nara, Uptown and The Woodside. However, very limited public parking facilities are found in the locality except a few parking spaces provided within the nearby private residential developments. The proposed development can help to ease the parking demand.
- (c) The proposed development flow will generate a daily traffic flows of about 20 to 30 trips of traffic inbound and outbound of the Site. The Site has been in operation for years under previous planning approvals. Under the current application, the applicant follows the last planning approval for parking of private cars only.
- (d) No adverse impacts in terms of air, noise, visual, landscape, drainage, traffic and fire hazards etc. would be generated from the proposed development.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is not the subject of any current planning enforcement action.

5. **Previous Applications**

- 5.1 The Site is subject to 3 previous applications (No. A/YL-PS/279, 375 and 512) for temporary public vehicle park use. Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Applications No. A/YL-PS/279, 375 and 512 were for temporary public vehicle park for private cars and/ or light goods vehicles for 3 years each. They were approved by the Committee with conditions on 18.1.2008, 30.3.2012 and 5.2.2016 respectively on considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention; the development was not incompatible with the surrounding land uses; and the development would not create significant adverse environmental, drainage, traffic and landscape impacts. All the time-specified approval conditions, including the provision of tree preservation proposal, fire service installations (FSIs) and

drainage facilities, have been complied with.

- 5.3 Compared with the last application No. A/YL-PS/512, the current application is submitted by the same applicant for the same use on a slightly smaller site area with lesser parking spaces.

6. Similar Application

There is no similar application within the same “R(A)4” zone on the OZP.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) currently being used for the applied use without valid planning permission; and
- (b) accessible via a local road to the south-east of the Site connecting to Castle Peak Road – Hung Shui Kiu.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northeast are a pieces of vacant land and a residential development, Park Nara, respectively; to its further north across Hung Yuen Road are some unused land, parking of vehicles and restaurant; to its northwest is the Hung Tai Road Sitting-out area;
- (b) to the east is the light rail; to its further east across Castle Peak Road – Hung Shui Kiu is a secondary school named Shung Tak Catholic English College (**Plan A-3**);
- (c) to the south are a residential dwelling and a property agency; to the further south across Castle Peak Road – Hung Shui Kiu are Hung Tak Road Sitting-out Area No.2 and a residential development, Treasure Court; and
- (d) to the south-west is a residential development, Coronet Court.

8. Planning Intention

The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application and the public comments are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lot (OSAL) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government.
- (b) The private land of Lot No. 2329 RP in D.D. 124 is covered by Short Term Waiver (STW) No. 4660 to permit structures for the purpose of 'Temporary Public Vehicle Park (Private Cars)'.
- (c) According to his record, there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing.
- (d) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. Application(s) will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under Transport Department's (TD) purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access

connecting the Site and Castle Peak Road - Hung Shui Kiu or Hung Tai Road.

Landscape

9.1.4 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has no objection from landscape planning perspective.
- (b) The Site is hard paved with existing trees along the southern and south-eastern boundaries within the Site. A large mature *Ficus elastic* is found adjoining the western corner outside the Site. The applied use is already in operation. The Site is situated in an area of urban fringe landscape character predominated by high-rise residential buildings and temporary structures. Noting that the applicant proposed to retain all existing trees within the Site, significant change to the landscape character arising from the application is not envisaged.
- (c) Should the Board approve this application, he would recommend the inclusion of a condition to maintain all existing trees within the Site in good condition during the planning approval period.
- (d) The applicant should be reminded of the detailed comments at **Appendix IV**.

Environment

9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) There was one substantiated environmental complaint in 2019 regarding noise aspect and one non-substantiated complaint regarding air aspect in 2017 pertaining to the Site received in the past 3 years.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimize any potential environmental nuisance.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a

condition record of the existing drainage facilities to the satisfaction of his Division.

- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval.
- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

District Officer's Comments

9.1.9 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

9.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (b) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD).

10. Public Comment Received During Statutory Publication Period

On 24.11.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One commenter raised concerns on the application as the Site was subject to a previous application No. A/YL-PS/512 for the same applied use, the Site was still being used as a car park after four years but not for residential development; whilst the other commenter objected to the proposed development as it would generate more traffic flow in the area affecting the villagers' safety and living quality (**Appendices III-1 and III-2**).

11. Planning Considerations and Assessment

11.1 The application is for temporary public vehicle park (private car) for a period of 3 years at a site zoned "R(A)4" on the OZP. The planning intention of the "R(A)" zone is primarily for high-density residential developments. Whilst the proposed development is not in line with the planning intention of "R(A)" zone, it could provide vehicle parking spaces to meet any such parking demand in the area. Approval of the application on a temporary basis of 3 years would not frustrate the planning intention for the Site.

11.2 The Site is mainly surrounded by residential dwellings, parking of vehicles and sitting-out areas (**Plan A-2**). The applied use is not incompatible with the surrounding land uses.

11.3 Relevant Government departments, including C for T, DEP, CE/MN, DSD and CTP/UD&L, PlanD have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. To minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and any unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the latest "Code of Practice on Handling Environmental aspects of Temporary Uses and Open Storage Sites" in order to minimize the potential environmental impact.

11.4 The Committee has approved three previous applications for temporary vehicle park use (No. A/YL-PS/279, 375 and 512) at the Site between 2008 and 2016 (**Plan A-1**). Approval of the current application is in line with the Committee's previous decisions.

11.5 There are two public comments received during the statutory publication period as summarized in paragraph 10 above. The planning considerations and assessments in the above paragraphs are relevant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11, and having taken into account the

public comments mentioned in paragraph 10, the Planning Department has no objection to the application.

- 12.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a period of 3 years until **26.2.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance are allowed to enter /be parked on the Site, at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing trees on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Board by **26.5.2021**;
- (j) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **26.8.2021**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Board by **26.11.2021**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the approval period, the approval hereby

given shall cease to have effect and shall be revoked immediately without further notice; and

- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

The applied use is not in line with the planning intention of the "R(A)" zone which is primarily for high-density residential developments. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 17.11.2020
Appendix Ia	SI received on dated 23.11.2020
Appendix Ib	FI received on 8.1.2021
Appendix II	Previous applications covering the Site
Appendix III-1 to III-2	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Proposed Layout Plan showing Vehicular Access
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos